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DAVEY TREE SURGERY COMPANY

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT

12 FELIPE CALDERON,

13 Plaintiff,

14 v.

15 DAVEY TREE SURGERY COMPANY, and
DOES 1-50,

16 Defendant.

Case No. 4:11-CV-05486-SBA

**STIPULATION AND ORDER TO
EXTEND DISCOVERY AND
RELATED DEADLINES**

18 Plaintiff FELIPE CALDERON (“Plaintiff”) and Defendant DAVEY TREE
19 SURGERY COMPANY (“Defendant”) (collectively “The Parties”), hereby stipulate and agree to
20 the following:

21 WHEREAS, on November 6, 2012, the Honorable Sandra Brown Armstrong,
22 pursuant to the Parties’ stipulation, ordered the Parties: to complete all discovery, with the exception
23 of expert discovery, by January 4, 2013; to designate expert witnesses by January 4, 2013; to
24 disclose rebuttal witnesses by February 1, 2013; and to complete all discovery pertaining to expert
25 witnesses by March 8, 2013 (Court Docket No. 21);

26 WHEREAS, on November 6, 2012, the Honorable Sandra Brown Armstrong,
27 pursuant to the Parties’ stipulation, ordered that all motions, including dispositive motions shall be
28 heard on or before March 12, 2013 at 1:00 p.m. (Court Docket No. 21);

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STIPULATION AND [PROPOSED] ORDER TO EXTEND DISCOVERY AND RELATED DEADLINES

1 WHEREAS, the Parties have exchanged written discovery requests and have
 2 otherwise engaged in mutual discovery. Each party intends to take one or more depositions in this
 3 case and Plaintiff's deposition is currently noticed for December 28, 2012;

4 WHEREAS, the Parties are still attempting to resolve this matter before incurring the
 5 significant costs and expenses associated with the completion of depositions, written discovery, and
 6 discovery motions, with preparing for trial and before incurring the potential disruption to the
 7 business of Defendant;

8 WHEREAS, Plaintiff's responses to Defendant's written discovery requests are
 9 overdue and Defendant intends to file a motion to compel responses if the matter cannot be resolved
 10 through a further meet and confer process. The Parties wish to have additional time to resolve
 11 discovery disputes prior to court intervention.

12 WHEREAS, the Parties the parties believe it would preserve the Parties' and the
 13 Court's resources were the Parties able to further explore a negotiated resolution to this case prior to
 14 engaging in further discovery and discovery motions;

15 WHEREAS, the Parties and their counsel respectfully request that: the January 4,
 16 2013 non-expert discovery deadline be continued until February 15, 2013, so that the Parties may
 17 explore the informal resolution of this matter prior to completing all anticipated discovery; the
 18 deadline to designate expert witnesses be continued from January 4, 2013 to February 15, 2013; the
 19 deadline to disclose rebuttal witnesses be continued from February 1, 2013 to March 15, 2013; the
 20 deadline to complete all discovery pertaining to expert witnesses be continued from March 8, 2013
 21 to March 29, 2013 ; and the deadline hear motions be continued from March 12, 2013 at 1:00 p.m. to
 22 April 26, 2013; and

23 WHEREAS, on October 18, 2012, by stipulation, the Parties previously requested an
 24 extension of deadlines in this case. Further extension of dates will not affect the May 13, 2013 trial
 25 date currently scheduled in this case;

26 THEREFORE, IT IS HEREBY STIPULATED by and between the Parties, through
 27 their respective counsel, that:

28 1. The non-expert discovery cut-off be continued from January 4, 2013 to

2.

STIPULATION AND [PROPOSED] ORDER TO EXTEND DISCOVERY AND RELATED DEADLINES

1 February 15, 2013;

2 2. The deadline the deadline to designate expert witnesses be continued from
3 January 4, 2013 to February 15, 2013;

4 3. The deadline to disclose rebuttal witnesses be continued from February 1,
5 2013 to March 15, 2013;

6 4. The deadline to complete all discovery pertaining to expert witnesses be
7 continued from March 8, 2013 to March 29, 2012; and

8 5. The deadline to hear motions be continued from March 12, 2013 at 1:00 p.m.
9 to April 26, 2013 at 1:00 p.m.

10 **IT IS SO STIPULATED**

11
12 Dated: December 7, 2012

/S/ Michael E. Brewer
RICHARD H. HARDING
MICHAEL E. BREWER
LITTLER MENDELSON, P.C.
Attorneys for Defendant
DAVEY TREE SURGERY COMPANY

16 Dated: December 7, 2012

/S/ Michael J. Reed
MICHAEL J. REED
Attorney for Plaintiff
FELIPE CALDERON

21 As good cause exists due to Parties' attempts to resolve this matter before incurring the
22 significant costs and expense associated with the completion of additional discovery, discovery
23 motions, and trial preparation and before incurring the disruption to the business of Defendant, the
24 Court hereby modifies its Order filed in this matter on November 6, 2012, as stipulated above.

25 **IT IS SO ORDERED.**

26 Dated: December 10, 2012

27 By: 
Honorable Sandra Brown Armstrong
UNITED STATES DISTRICT JUDGE

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